

## Office of Professional Accountability (OPA) Commendations & Complaints Report February 2005

### Commendations:

Commendation Received in February: 21

Commendations Received to Date: 66

Rank	Summary
(1) Officer	An assault victim appreciated the support, comfort, sensitivity and professionalism provided by an officer during a very upsetting situation.
(1) Detective	A detective received a commendation from a resident for his actions which managed to resolve a yearlong problem with drug dealing and prostitution which was being conducted out of an illegally occupied residence.
(6) Officers	Officers were thanked for their show of kindness and professionalism in helping locate a missing daughter. Their efforts resulted in locating the daughter in another county.
(2) Officers	A note of thanks from a mother to officers for helping her son receive treatment he desperately needed.
(1) Captain	A captain was commended for his excellent presentation and willingness to share his knowledge and insights with a group of high school students.
(1) Officer	An officer was thanked for his professionalism and respect shown at a burglary scene. He took the time to listen to the victims' comments and made them feel safe.
(1) Detective	A thanks and appreciation note was received for a presentation at an external training session. The information provided was very helpful to the participants.
(1) Officer	The student body of a high school sent their thanks to an officer who came and spoke at their school.
(1) Officer	An officer was very courteous, helpful and understanding at a minor traffic accident.
(1) Officer	A thank you note was received from a student for showing him around the police station.
(1) Officer	An officer responded to a 911 call and upon arrival found a family member had passed away. A note of thanks was received from family members for the professionalism, thoughtfulness, and kindness displayed by the officer.
(1) Officer	An officer was thanked for her quick response time as she arrested a suspect before the situation could get more dangerous.
(1) Officer	A note of thanks was received about an officer helping a family during a time of crisis. He was able to ease the concerns about the death of a family member.
(1) Officer	An officer was thanked for being very helpful in responding to a case involving the theft of a purse. She showed genuine concern, kindness and professionalism and made a bad situation into something bearable.
(1) Officer	A letter was written to express immense gratitude and appreciation for an officer. His innate compassion and direct advice were both professional and considerate. His acute and genuine manner was above and beyond his call of duty.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## February 2005 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that the named employee pulled him to the ground and "choked" him with his sweater as he tried to get up during a street contact.	The evidence showed the named officer contacted the complainant to investigate a recent car prowler report. The complainant is a convicted car prowler who sometimes carried weapons. One officer held the complainant down in a sitting position while the other checked his partially open backpack for weapons. The named officer credibly states that he merely held the complainant down by putting pressure on his shoulder, and that he did not use any additional force. The complainant was not injured. Finding – UNFOUNDED.
The complainant alleged that injuries were inflicted when the named employee pulled her right arm out of the passenger window of a vehicle and applied downward pressure.	Outside of the complainant's initial statement, no evidence supported the allegation. The driver of the vehicle said the officer's were polite. Witnesses state that the complainant never complained of any injuries and King County Jail information indicates that there were no injuries at the time of booking. The complainant was resistive at the time of arrest. Finding-EXONERATED
It was alleged that the named employee used excessive force by breaking the complainant's fingers and hand during a warrant arrest.	Witnesses observed the complainant striking a vehicle window with his hand prior to arrival of police. Statements made by the complainant were not consistent and there was evidence that his hand may have been injured prior to the incident in question. The named employee and three witness officers stated that the handcuffing was done without incident. Upon booking into King County Jail, the complaint made no report of force issues or injury. Finding-UNFOUNDED
The complaint alleged that the officer threatened to arrest the subject for no legal purpose and that the officer then picked up his bicycle and repeatedly slammed it into the subject's legs	The complainant's statements to investigators were inconsistent. Further, the named employee and witnesses stated that the officer never touched the complainant. Finding-UNFOUNDED
The complaint alleged that the named employee threw him into a wall.	The complainant was highly intoxicated and hostile at the time of his arrest. While the complaint did receive injuries while in custody and handcuffed, the cause of those injuries could not be determined. No witnesses were available. There were inconsistencies and discrepancies noted during the investigation that indicated there was insufficient evidence to prove or disprove the allegation. Finding- NOT SUSTAINED
The complaint alleged that the named officer grabbed the complainant's arm and threw her to the ground then ridiculed her in front of witnesses and other	The evidence did not support the complainant's allegations. Witnesses stated that it was more likely than not that the complainant was angry about receiving two citations at the time of the incident. Witnesses support the fact that the named employee was more than patient and polite with the

officers by calling her crazy and making gestures.	complainant. Finding-EXONERATED
It was alleged that multiple officers used unnecessary force on the complainant when the left side of his head was forced against the hood of a patrol car causing pain. Further, the complainant alleged that he was dragged from the patrol car to a holding cell upon arrival at the Precinct.	Outside of the complainant's initial complaint, there is no other corroborating evidence that supports the allegations. The complainant declined to provide a taped statement and witnesses would not respond to our requests for information. The named officer admits to having placed the complainant's upper torso over the hood of the patrol car while handcuffing, but denies any other force. Multiple witness officers stated that they observed the complainant walking on his own from the vehicle to the holding area. Finding-UNFOUNDED

**CONDUCT UNBECOMING AN OFFICER**

<b>Synopsis</b>	<b>Action Taken</b>
An anonymous complainant alleged that the named employee, while on duty and in uniform, engaged in a public display of affection with an employee of a nightclub that provides adult entertainment in the parking lot of the club.	The investigation confirmed the facts of the report. The public embrace reflected negatively on the Department. Finding – SUSTAINED.
It was alleged that the named employee failed to respond to a subpoena and gave false information to the prosecutor's office regarding his whereabouts.	The investigation substantiated the allegation. Finding – SUSTAINED.
A third party witness alleged that an unknown employee used inappropriate language during an arrest	The witness would not provide contact information for the other parties involved in the incident. All involved employees stated that they did not hear the language alleged. The preponderance of the available evidence supports the finding. Finding-UNFOUNDED
It was alleged that during a stop, the employee made derogatory remarks and threatened to have the complainant deported.	There was no evidence to corroborate the allegation. The named officer denied the allegation and witness officers supported the employee's version of the incident. Finding-UNFOUNDED

**FAILURE TO TAKE APPROPRIATE ACTION**

<b>Synopsis</b>	<b>Action Taken</b>
It was alleged that officers failed to aid and investigate an assault and refused to take a police report.	This incident involved a large group and intense situation and it was possible that the officers did not observe the assault. Both officers involved deny that they were approached for assistance. There was conflicting information as to if the officers were approached for help. In the absence of independent information, there was not sufficient evidence to prove or disprove the subject's allegations. Finding-NOT SUSTAINED

**SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY**

<b>Synopsis</b>	<b>Action Taken</b>
It was alleged that after being told to secure a vehicle which contained evidence in a processing room, the named employee had the vehicle towed and impounded instead.	The investigation revealed that a poor decision was made resulting in a violation of department policy and procedure. It was determined that the mistake was more of a training issue than misconduct. Finding-SUPERVISORY INTERVENTION

**Definitions of Findings:**

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**Referred for Supervisory Resolution.**

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

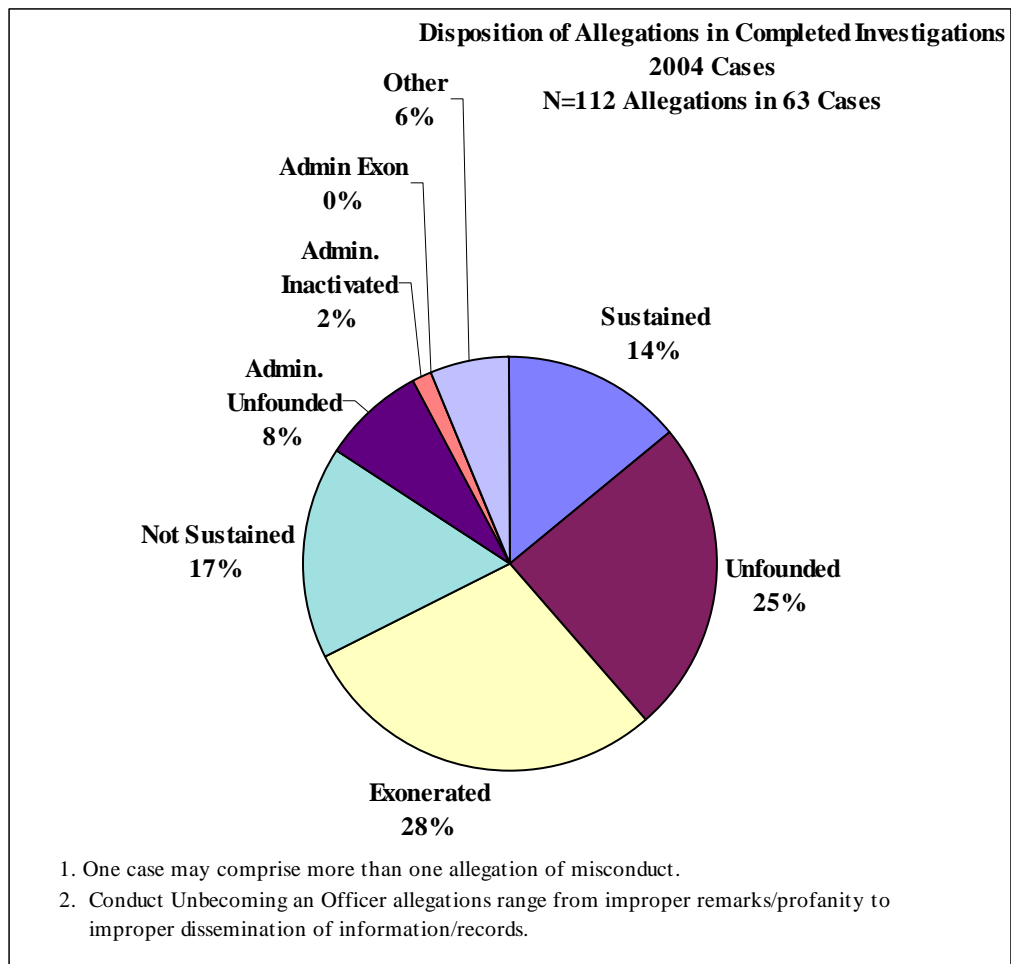
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date:

### 2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	13	63
Commendations	41	702

\*includes 2004 cases closed in 2005



### 2005 Contacts

	February 2005	Jan-Dec 2005
Preliminary Investigation Reports	27	18
Cases Assigned for Supervisory Review	3	8
Cases Assigned for Investigation (IS;LI)	11	32
Commendations	21	66

